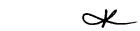


## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,675	01/10/2002	Steven C. Sinn	291P007	3301
75	590 10/01/2003			
David M. Mundt Cook, Alex, McFarron, Manzo, Cummings & Mehler Suite 2850			EXAMINER	
			KEENAN, JAMES W	
200 West Adams Street Chicago, IL 60606		ART UNIT	PAPER NUMBER	
J /			3652	

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
		1				
	10/044,675	SINN ET AL.				
Office Action Summary	Examiner	Art Unit				
•	James Keenan	3652				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the o	correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, may a reply be ting within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	mely filed  ys will be considered timely. In the mailing date of this communication.  ED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on	<u> </u>					
2a) This action is FINAL. 2b) Th	is action is non-final.					
3) Since this application is in condition for allows closed in accordance with the practice under						
Disposition of Claims  4)⊠ Claim(s) <u>1-19</u> is/are pending in the application						
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
· <u> </u>	8) Claim(s) 1-19 are subject to restriction and/or election requirement.					
Application Papers						
9) The specification is objected to by the Examine	r.					
10)☐ The drawing(s) filed on is/are: a)☐ accep	oted or b) objected to by the Exa	miner.				
Applicant may not request that any objection to the	e drawing(s) be held in abeyance. S	see 37 CFR 1.85(a).				
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12)☐ The oath or declaration is objected to by the Ex	aminer.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents	2. Certified copies of the priority documents have been received in Application No					
<ul> <li>3. Copies of the certified copies of the prior</li> <li>application from the International But</li> <li>* See the attached detailed Office action for a list</li> </ul>	reau (PCT Rule 17.2(a)).	-				
14) Acknowledgment is made of a claim for domesti	c priority under 35 U.S.C. § 119(	e) (to a provisional application).				
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domesti						
Attachment(s)	- 7					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal	y (PTO-413) Paper No(s) Patent Application (PTO-152)				

Application/Control Number: 10/044,675

Art Unit: 3652

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-18, drawn to a vehicle positioning apparatus, classified in class
     414, subclass 373.
  - II. Claim 19, drawn to a method of unloading livestock from a vehicle, classified in class 414, subclass 809.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced by an apparatus in which the vehicle is moved relative to the unloader under its own power rather than by a movable member.

- 2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Page 3

Application/Control Number: 10/044,675

Art Unit: 3652

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

James Keenan Primary Examiner Art Unit 3652

jwk 9/29/03